

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:15-cr-00032-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
CARA MICHELLE BANKS,) ORDER
)
)
Defendant.)

THIS MATTER is before the Court on the fifth letter (#42) from defendant asking this court to reduce her sentence or other relief. See Letters (#s 31, 35, & 37, & 40). As this Court advised defendant in its earlier Orders (#s 32, #38 & #41), this Court has absolutely no authority to reduce her sentence.

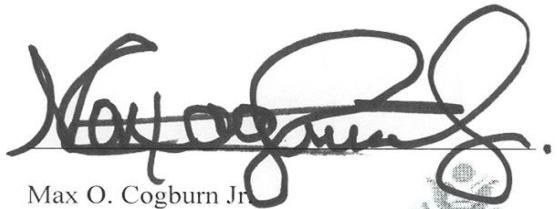
This time, defendant has mentioned that she would like relief under the “new laws” but does not know what they are or how they apply to her case. Motion (#42) at 7. Reading this letter in a light most favorable to defendant, the Court determines she is referencing the 2018 First Step Act (“2018 FSA”). Generally, the 2018 FSA makes the 2010 Fair Sentencing Act’s (“2010 FSA”) crack reductions retroactive to sentencing that occurred prior to the Fair Sentencing Act’s 2010 enactment.¹ As defendant’s offenses of conviction concern a conspiracy to defraud the government and fraud with identification documents, neither the 2018 FSA nor the 2010 FSA have any application to her case.

¹ There are other provisions under the FSA, none of which appear to be applicable to defendant’s situation.

ORDER

IT IS, THEREFORE, ORDERED that to the extent defendant seeks relief in her letter (#42), such relief is denied.

Signed: March 13, 2019



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, dark, circular stamp or seal.

Max O. Cogburn Jr.
United States District Judge